IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 3RD APRIL 2007 / 13TH CHAITHRA 1930

WP(C).No. 19990 of 2005(D)

PETITIONER:

THE THIRUVANANTHAPURAM TALUK TAXI DRIVERS CO-OPERATIVE SOCIETY LTD. NO.T.723, REPRESENTED BY THE PRESIDENT OF THE MANAGING COMMITTEE S.JAYENDRAN NAIR.

BY ADV. SRI.GEORGE POONTHOTTAM
SRI.SUBAIR KUNJU

RESPONDENTS:

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1. THE JOINT REGISTRAR OF CO-OEPRATIVE SOCIETIES(G), THIRUVANANTHAPURAM.

2. S.SREEKUMAR, T.C.36/138, KIZHAKKEMUDUMBIL PUTHEN VEEDU, VALLAKKADAVU P.O. THIRUVANANTHAPURAM.

R2 BY ADV. SRI.V.G.ARUN
R1 BY G.P. SRI.RAVIKRISHNAN.P.K.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF THE INTERIM ORDER IN W.P.C. NO.31938/2004 DT.3.11.2004.

P2: TRUE COPY ORDER DT.29.12.2004.

P3: TRUE COPY OF NOTICE DT.13.4.2005.

P4: TRUE COPY OF LETTER GIVEN BY PETITIONER DT.27.4.2005.

P5: TRUE COPY OF COVERING LETTER DT.4.6.2005.

P5(a): TRUE COPY OF PETITION FILED BY R2 DT.21.2.2005.

P6: TRUE COPY OF REPLY GIVEN BY THE PETITIONER DT.16.6.2005.

P7: TRUE COPY OF ORDER DT.24.6.2005.

RESPONDENTS' EXHIBITS:

R2(a): TRUE COPY OF LETTER DT.22.12.2003.

R2(b): TRUE COPY OF THE REPLY DT.23.12.2003.

R2(c): TRUE COPY OF LETTER DT.23.12.2003.

R2(d): TRUE COPY OF NOTICE DT.30.12.2003.

R2(e): TRUE COPY OF LETTER DT.6.1.2004.

R2(f): TRUE COPY OF THE LETTER DT.8.6.2002.

R2(g): TRUE COPY OF THE SHOW CAUSE NOTICE DT.20.6.2004.

R2(h): TRUE COPY OF THE ORDER DT.10.9.2004.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.19990 of 2005

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Dated this the 3rd day of April, 2007.

JUDGMENT

The petitioner is challenging Ext.P7 order whereunder the Joint Registrar has reinstated the second respondent who was dismissed by the petitioner from service for misconduct. This court has in the decision in PRAKASINI V. JOINT REGISTRAR (2006(1) KLT 199) held that in service matters in societies, exclusive jurisdiction is with the Arbitration Court constituted under Section 70A of the Co-operative Societies Act. In the circumstances, W.P. is allowed vacating Ext.P7 order, but leaving freedom to the second respondent to institute arbitration proceedings against the order impugned before the Arbitration Court, for which the second respondent is granted three weeks time from today. If second respondent makes any application in terms of Section 69, the Arbitration Court should entertain it as if it is filed in time, hear the parties and dispose of the same within three months from the date of filing the same.

C.N.RAMACHANDRAN NAIR
Judge

pms